

CLAIMS: SETTLEMENT OF CASE OF BRIG "NATIVE"

Convention signed at Guayaquil February 5, 1853

Entered into force February 5, 1853

*Terminated in October 1855 upon payment of claim*¹

6 Miller 105¹

The undersigned, to wit, Courtland Cushing Chargé d'Affaires of the United States and Francisco Marcos Plenipotenciary of Ecuador being fully authorized to adjust the payment of the twenty one and a half per cent pertaining to Ecuador in the indemnification claimed for the loss of the N.A. brig "Native" which was seized by the schooner of war "Independence" of the old Republic of Colombia, have agreed to conclude the claim at all points upon the following terms.

ARTICLE 1st

The Government of Ecuador will cause to be paid to the order of the Charge d'Affaires of the United States the sum of seven thousand two hundred and four dollars and sixty five cents (\$7,204.⁶⁵/₁₀₀) in current money, in two equal dividends, one in December of the present year and the other in December of the year 1854, as full and complete indemnification for all the losses and damages which the owners or those interested in the N.A. brig "Native" have claimed of Ecuador, by means of the Legation of the U.S. who shall have no right to prosecute any new claim arising out of the seizure of said vessel by the schooner "Independence" of the Colombian Navy.

ARTICLE 2nd

The said sum of seven thousand two hundred and four dollars and sixty five shall bear interest at the rate of six per cent per annum from the 25th day of April 1848, the day on which the Minister of the United States in Bogota and the Secretary of Foreign Relations of New Grenada³ concluded and signed their Convention² in respect to the same claim of Seth Driggs.

¹ For details of settlement, see 6 Miller 105.

² 5 Miller 437.

³ The state of "Greater Colombia," which gained independence from Spain in 1819, included the present states of Colombia, Ecuador, Panama, and Venezuela. In 1830-31 it split up into Ecuador, Venezuela, and the republic of New Granada, and by 1863 New Granada had become the United States of Colombia.

ARTICLE 3^d

The aforesaid interest shall be computed until the 15th of June 1854 and the sum total including both principal and interest, shall be divided into two equal parts one payable on the 15th of December of this present year and the other on the 15th day of December 1854.

ARTICLE 4th

This Convention shall be presented by the Executive authority of Ecuador to the next Constitutional Legislature to the end that if it approves thereof, it may appropriate the necessary sum for its exact execution.

In testimony whereof the undersigned have signed two of one tenor, in Guayaquil the 5th of February one thousand eight hundred and fifty three.

COURTLAND CUSHING
F. MARCOS